



February 20, 2004

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## ENGROSSED SENATE BILL No. 160

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DIGEST OF SB 160 (Updated February 19, 2004 8:28 am - DI 75)

**Citations Affected:** IC 4-20.5; IC 5-28; noncode.

**Synopsis:** Indiana GIS council. Establishes the office of geographic information to provide for the development and implementation of an Indiana geographic information system. Establishes the Indiana geographic information system council to advise the office in the implementation of its duties.

**Effective:** June 30, 2004; July 1, 2004.

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### Ford

(HOUSE SPONSORS — HASLER, AYRES)

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January 6, 2004, read first time and referred to Committee on Economic Development and Technology.

January 13, 2004, amended, reported favorably — Do Pass.

January 20, 2004, read second time, ordered engrossed.

January 21, 2004, engrossed.

January 22, 2004, read third time, passed. Yeas 38, nays 8.

#### HOUSE ACTION

February 4, 2004, read first time and referred to Committee on Rules and Legislative Procedures.

February 19, 2004, amended, reported — Do Pass.

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ES 160—LS 6562/DI 75+



February 20, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 160

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 4-20.5-2-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. The state land office  
3 ~~division~~ is established within the ~~department~~ **office of geographic**  
4 **information established by IC 5-28-3-1.**

5 SECTION 2. IC 4-20.5-2-2 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. The ~~commissioner~~  
7 **executive director of the office of geographic information** shall  
8 provide for the organization and management of the land office.

9 SECTION 3. IC 4-20.5-2-5 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) Subject to  
11 IC 5-14-3 **and IC 5-28**, the land office shall provide copies of records  
12 maintained by the land office.

13 (b) The ~~commissioner~~ **executive director** shall establish a  
14 reasonable copying charge for copies of records that are not standard  
15 sized documents (as defined by IC 5-14-3-2) provided by the land  
16 office.

17 SECTION 4. IC 5-28 IS ADDED TO THE INDIANA CODE AS A

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NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]:

**ARTICLE 28. INDIANA GEOGRAPHIC INFORMATION SYSTEM**

**Chapter 1. Definitions**

**Sec. 1.** The definitions set forth in this chapter apply throughout this article.

**Sec. 2.** "Center" refers to the Polis Center at Indiana University-Purdue University Indianapolis.

**Sec. 3.** "Council" refers to the Indiana geographic information system council established by IC 5-28-2-1.

**Sec. 4.** "Eligible entity" refers to any of the following:

(1) A state agency.

(2) A political subdivision (as defined in IC 36-1-2-13).

**Sec. 5.** "Executive director" refers to the executive director of the office of geographic information.

**Sec. 6.** "Fund" refers to the GIS development and maintenance fund established by IC 5-28-5-1.

**Sec. 7.** "GIS" refers to geographic information systems.

**Sec. 8.** "Office" refers to the office of geographic information established by IC 5-28-3-1.

**Sec. 9.** "Political subdivision" has the meaning set forth in IC 36-1-2-13.

**Sec. 10.** "State agency" has the meaning set forth in IC 4-13-1-1.

**Sec. 11.** "State educational institution" has the meaning set forth in IC 20-12-0.5-1.

**Chapter 2. Indiana Geographic Information System Council**

**Sec. 1.** The Indiana geographic information system council is established.

**Sec. 2.** The council consists of the following members:

(1) The executive director.

(2) An individual designated by the Association of Indiana Counties to represent the Association of Indiana Counties.

(3) An individual appointed by the governor to represent Indiana counties.

(4) An individual designated by the Indiana Association of Cities and Towns to represent the Indiana Association of Cities and Towns.

(5) An individual appointed by the governor to represent municipalities.

(6) An individual appointed by the governor to represent the interests of state agencies.

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(7) Two (2) individuals appointed by the governor to represent the interests of the federal government in GIS.

(8) Two (2) individuals appointed by the governor to represent nonprofit organizations.

(9) Two (2) individuals appointed by the governor to represent commercial GIS service providers.

(10) Two (2) individuals appointed by the governor who have knowledge of GIS.

(11) Two (2) individuals appointed by the governor to represent the interests of Indiana higher education in GIS.

(12) Two (2) individuals appointed by the governor to represent land surveyors.

(13) An individual appointed by the governor to represent regional planning commissions.

(14) An individual appointed by the governor who has knowledge of economic development.

(15) Two (2) individuals appointed by the governor to represent private industry.

(16) Two (2) individuals appointed by the governor to represent utilities.

(17) Two (2) individuals appointed by the governor who have knowledge of critical infrastructure in Indiana.

(18) Two (2) individuals appointed by the governor.

Sec. 3. The executive director serves as chair of the council.

Sec. 4. A member of the council, other than the executive director, serves at the pleasure of the governor.

Sec. 5. Fifteen (15) council members constitute a quorum. The affirmative vote of at least fifteen (15) council members is necessary for the council to take official action other than to adjourn or to meet to hear reports or testimony.

Sec. 6. The council shall meet at the call of the chair.

Sec. 7. (a) Each member of the council who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the council who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection

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with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

**Sec. 8. The council shall do the following:**

(1) Establish GIS standards. Standards established by the council are subject to the approval of the executive director.

(2) Award grants under IC 5-28-4 from the fund.

(3) Determine the specifications and standards for and acquire statewide base maps.

**Sec. 9. The council's expenses shall be paid from the fund.**

### **Chapter 3. Office of Geographic Information**

**Sec. 1. The office of geographic information is established.**

**Sec. 2. The office includes the state land office established by IC 4-20.5-2-1.**

**Sec. 3. (a) The governor shall appoint an executive director for the office.**

(b) The executive director serves at the pleasure of the governor.

(c) The executive director serves as the chief executive officer of the council and the office.

(d) The executive director shall coordinate all GIS and mapping issues for state agencies or a state agency's GIS. A state agency shall comply with the standards established by the council and approved by the executive director under IC 5-28-2-8(1).

(e) The executive director is responsible for the establishment and administration of a GIS for the state of Indiana.

(f) The executive director shall establish criteria for determining:

(1) what state GIS data are secure; and

(2) to whom secure state GIS data may be disclosed.

(g) The executive director shall provide for archiving of data.

**Sec. 4. The office shall provide staff and other administrative support for the council.**

**Sec. 5. The office shall do the following:**

(1) Provide for the cataloging and distribution of geographic information system spatial data and information from federal, state, and local sources through the Internet. The office shall publish to the general public only that GIS data that is determined to be not secure.

(2) Coordinate the acquisition of new data for the Indiana Geographic Information System.

(3) Administer grants awarded under IC 5-28-4.

**Sec. 6. The center may do the following as provided in**

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agreements between the center and the office:

(1) Assist in the strategic planning, development, and implementation of statewide mapping guidelines and standards.

(2) Conduct research and provide education support relating to improvement of geographic information technologies.

(3) Provide advisory, training, and technical services in the field of geographic information science.

#### **Chapter 4. GIS Development and Maintenance Programs**

**Sec. 1.** The council may award grants to an eligible entity for development or maintenance of a GIS project by the eligible entity.

**Sec. 2.** A grant under this chapter must require the eligible entity to do the following:

(1) Comply with the GIS standards established by the council under IC 5-28-2-8(1).

(2) Share GIS data with the office.

(3) Comply with any other conditions the council considers advisable.

**Sec. 3.** Not less than seventy-five percent (75%) of the dollar value of grants awarded under this chapter must be awarded to political subdivisions.

**Sec. 4.** Except as provided in this article, a state educational institution may not provide GIS related services for compensation to a state agency, a political subdivision, or to a person in the private sector.

**Sec. 5.** Data acquired by the state from a political subdivision may not be sold or distributed without the consent of the political subdivision.

#### **Chapter 5. GIS Development and Maintenance Fund**

**Sec. 1.** The GIS development and maintenance fund is established for the following purposes:

(1) Funding grants under IC 5-28-4.

(2) Administering this article.

**Sec. 2.** The fund consists of appropriations made by the general assembly.

**Sec. 3.** Money in the fund is appropriated for the purposes described in section 1 of this chapter.

**Sec. 4.** The office shall administer the fund.

**Sec. 5.** The expenses of administering the fund shall be paid from money in the fund.

**Sec. 6.** The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same

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1 manner as other public money may be invested. Interest that  
2 accrues from these investments shall be deposited in the fund.

3 Sec. 7. Money in the fund at the end of a state fiscal year does  
4 not revert to the state general fund.

5 SECTION 5. [EFFECTIVE JUNE 30, 2004] (a) As used in this  
6 SECTION, "land office" refers to the state land office division of  
7 the Indiana department of administration established by  
8 IC 4-20.5-2-1, before its amendment by this act.

9 (b) As used in this SECTION, "office" refers to the office of  
10 geographic information established by IC 5-28-2-1, as added by  
11 this act.

12 (c) On July 1, 2004:

13 (1) all powers, duties, and functions adhering to the land office  
14 are transferred to the state land office within the office; and

15 (2) the appropriations, property, and records of the land  
16 office are transferred to the office.

17 (d) This SECTION expires July 2, 2004.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Economic Development and Technology, to which was referred Senate Bill No. 160, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, delete lines 3 through 16, begin a new line block indented and insert:

- "(2) An individual designated by the Association of Indiana Counties to represent the Association of Indiana Counties.**
- (3) An individual appointed by the governor to represent Indiana counties.**
- (4) An individual designated by the Indiana Association of Cities and Towns to represent the Indiana Association of Cities and Towns.**
- (5) An individual appointed by the governor to represent municipalities.**
- (6) The state GIS coordinator.**
- (7) An individual appointed by the governor to represent the interests of state agencies.**
- (8) Two (2) individuals appointed by the governor to represent the interests of the federal government in GIS.**
- (9) Two (2) individuals appointed by the governor to represent nonprofit organizations.**
- (10) Two (2) individuals appointed by the governor to represent commercial GIS service providers.**
- (11) Two (2) individuals appointed by the governor who have knowledge of GIS.**
- (12) Two (2) individuals appointed by the governor to represent the interests of Indiana higher education in GIS.**
- (13) Two (2) individuals appointed by the governor to represent land surveyors.**
- (14) An individual appointed by the governor to represent regional planning commissions.**
- (15) An individual appointed by the governor who has knowledge of economic development.**
- (16) Two (2) individuals appointed by the governor to represent private industry.**
- (17) Two (2) individuals appointed by the governor to represent utilities.**
- (18) Two (2) individuals appointed by the governor who have knowledge of critical infrastructure in Indiana.**

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**(19) Two (2) individuals appointed by the governor."**

Page 2, line 22, delete "Nine (9)" and insert "**Fifteen (15)**".

Page 2, line 23, delete "nine (9)" and insert "**fifteen (15)**".

and when so amended that said bill do pass.

(Reference is to SB 160 as introduced.)

FORD, Chairperson

Committee Vote: Yeas 7, Nays 2.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred Senate Bill 160, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-20.5-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. The state land office ~~division~~ is established within the ~~department~~ **office of geographic information established by IC 5-28-3-1.**

SECTION 2. IC 4-20.5-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. The ~~commissioner~~ **executive director of the office of geographic information** shall provide for the organization and management of the land office.

SECTION 3. IC 4-20.5-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) Subject to IC 5-14-3 **and IC 5-28**, the land office shall provide copies of records maintained by the land office.

(b) The ~~commissioner~~ **executive director** shall establish a reasonable copying charge for copies of records that are not standard sized documents (as defined by IC 5-14-3-2) provided by the land office."

Page 1, delete line 13, begin a new paragraph and insert:

**"Sec. 4. "Eligible entity" refers to any of the following:**

**(1) A state agency.**

**(2) A political subdivision (as defined in IC 36-1-2-13).**

**Sec. 5. "Executive director" refers to the executive director of the office of geographic information.**

**Sec. 6. "Fund" refers to the GIS development and maintenance fund established by IC 5-28-5-1.**

**Sec. 7. "GIS" refers to geographic information systems.**

**Sec. 8. "Office" refers to the office of geographic information established by IC 5-28-3-1.**

**Sec. 9. "Political subdivision" has the meaning set forth in IC 36-1-2-13.**

**Sec. 10. "State agency" has the meaning set forth in IC 4-13-1-1.**

**Sec. 11. "State educational institution" has the meaning set forth in IC 20-12-0.5-1."**

Page 2, delete lines 1 through 2, begin a new line block indented and insert:

**"(1) The executive director."**

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Page 2, delete line 12.  
 Page 2, line 13, delete "(7)" and insert "(6)".  
 Page 2, line 15, delete "(8)" and insert "(7)".  
 Page 2, line 17, delete "(9)" and insert "(8)".  
 Page 2, line 19, delete "(10)" and insert "(9)".  
 Page 2, line 21, delete "(11)" and insert "(10)".  
 Page 2, line 23, delete "(12)" and insert "(11)".  
 Page 2, line 25, delete "(13)" and insert "(12)".  
 Page 2, line 27, delete "(14)" and insert "(13)".  
 Page 2, line 29, delete "(15)" and insert "(14)".  
 Page 2, line 31, delete "(16)" and insert "(15)".  
 Page 2, line 33, delete "(17)" and insert "(16)".  
 Page 2, line 35, delete "(18)" and insert "(17)".  
 Page 2, line 37, delete "(19)" and insert "(18)".  
 Page 2, line 38, delete "lieutenant governor or the lieutenant governor's" and insert "**executive director**".  
 Page 2, line 39, delete "designee".  
 Page 2, line 40, delete "lieutenant" and insert "**executive director,**".  
 Page 2, line 41, delete "governor or the lieutenant governor's designee,".  
 Page 3, delete lines 20 through 42, begin a new paragraph and insert:  
**"Sec. 8. The council shall do the following:**  
     **(1) Establish GIS standards. Standards established by the council are subject to the approval of the executive director.**  
     **(2) Award grants under IC 5-28-4 from the fund.**  
     **(3) Determine the specifications and standards for and acquire statewide base maps.**  
**Sec. 9. The council's expenses shall be paid from the fund.**  
**Chapter 3. Office of Geographic Information**  
**Sec. 1. The office of geographic information is established.**  
**Sec. 2. The office includes the state land office established by IC 4-20.5-2-1.**  
**Sec. 3. (a) The governor shall appoint an executive director for the office.**  
     **(b) The executive director serves at the pleasure of the governor.**  
     **(c) The executive director serves as the chief executive officer of the council and the office.**  
     **(d) The executive director shall coordinate all GIS and mapping issues for state agencies or a state agency's GIS. A state agency shall comply with the standards established by the council and approved by the executive director under IC 5-28-2-8(1).**

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(e) The executive director is responsible for the establishment and administration of a GIS for the state of Indiana.

(f) The executive director shall establish criteria for determining:

- (1) what state GIS data are secure; and
- (2) to whom secure state GIS data may be disclosed.

(g) The executive director shall provide for archiving of data.

Sec. 4. The office shall provide staff and other administrative support for the council.

Sec. 5. The office shall do the following:

- (1) Provide for the cataloging and distribution of geographic information system spatial data and information from federal, state, and local sources through the Internet. The office shall publish to the general public only that GIS data that is determined to be not secure.
- (2) Coordinate the acquisition of new data for the Indiana Geographic Information System.
- (3) Administer grants awarded under IC 5-28-4.

Sec. 6. The center may do the following as provided in agreements between the center and the office:

- (1) Assist in the strategic planning, development, and implementation of statewide mapping guidelines and standards.
- (2) Conduct research and provide education support relating to improvement of geographic information technologies.
- (3) Provide advisory, training, and technical services in the field of geographic information science.

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Sec. 1. The council may award grants to an eligible entity for development or maintenance of a GIS project by the eligible entity.

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- (1) Comply with the GIS standards established by the council under IC 5-28-2-8(1).
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- (3) Comply with any other conditions the council considers advisable.

Sec. 3. Not less than seventy-five percent (75%) of the dollar value of grants awarded under this chapter must be awarded to political subdivisions.

Sec. 4. Except as provided in this article, a state educational institution may not provide GIS related services for compensation

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to a state agency, a political subdivision, or to a person in the private sector.

**Sec. 5. Data acquired by the state from a political subdivision may not be sold or distributed without the consent of the political subdivision.**

**Chapter 5. GIS Development and Maintenance Fund**

**Sec. 1. The GIS development and maintenance fund is established for the following purposes:**

- (1) Funding grants under IC 5-28-4.**
- (2) Administering this article.**

**Sec. 2. The fund consists of appropriations made by the general assembly.**

**Sec. 3. Money in the fund is appropriated for the purposes described in section 1 of this chapter.**

**Sec. 4. The office shall administer the fund.**

**Sec. 5. The expenses of administering the fund shall be paid from money in the fund.**

**Sec. 6. The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.**

**Sec. 7. Money in the fund at the end of a state fiscal year does not revert to the state general fund."**

Page 4, delete lines 1 through 8, begin a new paragraph and insert:

**"SECTION 5. [EFFECTIVE JUNE 30, 2004] (a) As used in this SECTION, "land office" refers to the state land office division of the Indiana department of administration established by IC 4-20.5-2-1, before its amendment by this act.**

**(b) As used in this SECTION, "office" refers to the office of geographic information established by IC 5-28-2-1, as added by this act.**

**(c) On July 1, 2004:**

- (1) all powers, duties, and functions adhering to the land office are transferred to the state land office within the office; and**
- (2) the appropriations, property, and records of the land office are transferred to the office.**

**(d) This SECTION expires July 2, 2004."**

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Renumber all SECTIONS consecutively.  
and when so amended that said bill do pass.

(Reference is to SB 160 as printed January 14, 2004.)

PELATH, Chair

Committee Vote: yeas 9, nays 0.

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